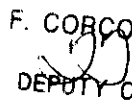


SEP 13 2005

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CHARLES E. BOYLES, JR., #303481,  
Petitioner,

v.

COMMONWEALTH OF VIRGINIA,  
Respondent.

Civil Action No. 7:05-cv-00075

FINAL ORDER

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that petitioner's motion for leave to file a response (Dkt. No. 52, which includes petitioner's response) is hereby **GRANTED**; respondent's motion to dismiss is hereby **GRANTED**; the petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED** as untimely, pursuant 28 U.S.C. § 2244(d)(1); petitioner's remaining requests and/or motions are hereby **DENIED**; and that this action is stricken from the active docket of this court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for the respondent.

ENTER: This 13<sup>th</sup> day of September, 2005.

  
Senior United States District Judge